

# **EXHIBIT 26**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :  
et al., :  
: Case No:  
Plaintiffs : 16-cv-3311-MJG  
:  
-vs- : Pages 1 - 109  
:  
LAWRENCE HOGAN, in his :  
capacity of Governor of :  
Maryland, et al., :  
:  
Defendants :  
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Deposition of James Johnson  
Baltimore, Maryland  
Tuesday, March 13, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR  
Job No: 390081

MAGNA LEGAL SERVICES  
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1 THE WITNESS: I'm not in a position to  
2 answer the question.

3 BY MR. SWEENEY:

4 Q. Now, fingerprinting is not, per se, going  
5 to deter a straw purchaser; correct? Because by  
6 definition a straw purchaser is an individual who  
7 can be positively identified and is qualified to  
8 purchase a handgun; correct?

9 MS. KATZ: Objection to form. You can  
10 answer.

11 THE WITNESS: I believe that's an accurate  
12 statement.

13 BY MR. SWEENEY:

14 Q. All right. So what is it about the  
15 fingerprinting process that in any way discourages  
16 straw purchases?

17 A. I believe that an individual that knows  
18 that they have to render fingerprints is less likely  
19 to carry out the scheme. I believe that most  
20 individuals have a great concern or a concern about  
21 rendering their fingerprints.

22 It's been my experience throughout my

1 one-month period of time the cost is \$38 million as  
2 a result of gun violence and accidental or suicide  
3 by use of guns. I believe this training could help  
4 address one or more of those areas.

5 Q. Can we try to pull apart your  
6 understanding of the prevalence of accidental gun  
7 injury and death as opposed to the other categories  
8 of intentional criminal acts and suicide?

9 A. I can tell you, as a police officer, I've  
10 handled a number of accidental discharges involving  
11 children and/or adults. I'll bring your attention,  
12 just last within the last 24 hours in Harford County  
13 an individual cleaning his gun shot and killed  
14 himself. It's quite common. It's quite frequent to  
15 have accidental gun discharges. Again, even amongst  
16 police officers, it's not an infrequent event.

17 Q. Can you point to any data that quantifies  
18 quite common and quite frequent? How many  
19 accidental shootings are occurring each day, each  
20 year in this country?

21 A. I believe that material is available. I  
22 do not possess it. Again, it would require

1 research, time, and resources.

2 Q. Which you have not done in advance of your  
3 opinion in this case?

4 A. No, sir.

5 Q. All right. And you also don't have any  
6 such information specifically about Maryland;  
7 correct?

8 A. That's correct.

9 Q. Item 7 of your testimony talks about the  
10 live fire requirement. We already discussed that.  
11 Is there anything else about your opinion with  
12 respect to the live fire requirement that you'd like  
13 to address?

14 A. Well, personally, I think just firing one  
15 round is not adequate, but I do not think the  
16 requirement to show proficiency in discharging a  
17 round is unreasonable. Again, I would draw your  
18 attention to the process of actually chambering a  
19 round, which is an exercise in and of itself. And,  
20 you know, the average individual that's new to guns,  
21 I think, would struggle working that mechanism of  
22 the weapon, and I'm sure that's a necessary

1 component or process in actually discharging a  
2 round.

3 Q. Now, can this live fire training take  
4 place anywhere or do you have to have it at a  
5 special location?

6 A. I believe that with the change in allowing  
7 a marker-type round that can be conducted virtually  
8 anywhere. I do not believe that is discharging a  
9 weapon in a metropolitan district, for example, so I  
10 believe it could be done anywhere. We use  
11 simunition weapons in classrooms, at the academy.  
12 We use simunition weapons in various locations.

13 Q. So it's your opinion then that a  
14 simunition live fire training can take place within  
15 the city limits of Baltimore City?

16 A. I do not think it's discharging a weapon  
17 in a metropolitan district.

18 Q. And so that could take place anywhere? It  
19 could take place, say, in a backyard or a home in  
20 Baltimore City?

21 A. When I think about this issue, I'm  
22 thinking about a projectile that simply delivers a

1 including live fire? You don't mention that either  
2 as a means to prevent gun trafficking in this  
3 document, do you, sir?

4 A. No.

5 MR. SWEENEY: Thank you. I have no  
6 further questions, sir. Thank you for your time  
7 today.

8 MS. KATZ: I'm just going to take a  
9 one-minute break. We'll be right back before we  
10 close up shop.

11 (Whereupon, a short recess was taken from  
12 1:16 to 1:17 p.m.)

13 EXAMINATION BY COUNSEL FOR THE DEFENDANTS

14 BY MS. KATZ:

15 Q. A few quick questions. Chief Johnson, in  
16 your experience as a law enforcement officer in  
17 Maryland, were you aware of any accidental  
18 discharges of handguns in Maryland?

19 A. Yes.

20 Q. Can you estimate how many?

21 A. Over 100.

22 Q. Did you ever personally respond to a

1 situation where there had been an accidental  
2 discharge of a handgun?

3 A. I'd have to say just numerous cases of  
4 both police officer and private citizen.

5 Q. Okay. Do you recall being asked about the  
6 live fire component of the training requirement?

7 A. Yes.

8 Q. And do you recall mentioning the  
9 importance of the training having experience of  
10 chambering a round?

11 A. It's a credible component given the  
12 technology of the current state-of-the-art weapons,  
13 and what caused all of the accidental discharges in  
14 Baltimore County were failure to recall, remember  
15 that there was a round previously chambered, and  
16 unfortunately, the person pulled the trigger unaware  
17 that there was a round in the chamber thinking  
18 ejection of the magazine was sufficient to safe the  
19 weapon.

20 Q. And how might the live fire component of  
21 the training prevent that situation?

22 A. I think it causes an individual to become



1     accustom to the mechanism, the operation of the  
2     weapon, and then just your muscle memory or  
3     training, again, and repeat a process of clearing  
4     the weapon before they determine, in fact, it's  
5     safe.

6                     MS. KATZ:   Okay.   I don't have any other  
7     questions.

8                     MR. SWEENEY:   I have no other questions.

9                     (Whereupon, signature not having been  
10    waived, the taking of the deposition concluded at  
11    1:19 p.m.)

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